

REMARKS

The Examiner is thanked for the examination of the application. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Claim 1 pertains to a process of informing a consumer of a new product, or advertisement, where first and second known products, each having similar functions and at least one characteristic are visually presented to the consumer. The consumer is presented with an intermediate visual presentation where the appearance of the at least one characteristic of the first product is changed to more closely resemble the at least one characteristic of the second product. An example of such an arrangement is provided in the specification of the current application where it is discussed that this process may provide a visual "morphing" of products to a consumer (Paragraph [0009] of the U.S. Patent Application Publication of this application). However the present invention is not limited to the preferred disclosed embodiments.

Claims 1, 2, 5-7, 10, 11 and 14-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jain et al ("Jain", U.S. Patent Application Publication No. 2003/0195793). The Official Action takes the position that Jain discloses each feature of independent Claims 1, 5, 10, and 17, except for the visual presentation of images of a product. However, the Official Action concludes that because Jain discloses the use of product comparisons to personalize information presented to a customer and in Table 2 shows the use of an advertisement of a similar product, that the presentation of an advertisement is equivalent to the claimed visual image, and

that it would have been obvious to modify Jain in a manner to present a visual image. This rejection is respectfully traversed.

Independent Claims 1, 5, 10 and 17 each provide for a first, known product having at least one function and at least one characteristic capable of visualization, a second, known product having at least one known function similar to the at least one function of the first known product and at least one characteristic capable of visualization. The claims continue to recite that a potential consumer is presented with "one or more immediate visual presentations of at least one of the first and second products by changing the appearance of said at least one characteristic of said first product to more closely resemble said at least one characteristic of said second product." Jain, neither alone nor modified as proposed, shows these claimed features.

Jain pertains to the design and analysis of marketing research activity and data. Jain discloses a system where a merchant specifies one or more objectives to be achieved by the system. An example of an objective is a sales forecast for a product or an advertisement campaign effectiveness study. Paragraph [0137]. The system provides a research approach that is adaptable to each customer depending on what information is received from the customer and what is missing. The research approach may include a product comparison. Paragraph [0173].

As noted above, the Official Action correctly recognizes that Jain does not disclose a visual presentation of the first and second known products. The Official Action appears to suggest, however, that because a product comparison is disclosed, it would have been obvious to present the comparison in a visual manner. To the extent this modification results in the visual presentation of first and second

known products to a consumer, Jain still fails to show the presentation to the consumer of one or more intermediate visual presentations of at least one of the first and second products by changing the appearance of the at least one characteristic of the first product to more closely resemble the at least one characteristic of the second product. The proposed modification of Jain allegedly results in a visual presentation of the compared products discussed in paragraph [0173]. However, there is no disclosure or teaching that the appearance of a characteristic capable of visualization of the first product may be changed to more closely resemble that of a characteristic of the second product. Nor is there a disclosure or teaching of any intermediate visual presentation as claimed. Accordingly, these independent claims are allowable, and withdrawal of the rejection is respectfully requested.

The remainder of the claims ultimately depend from one of the independent Claims 1, 5, 10 or 17, which are allowable. For at least this reason, these claims are also allowable.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: May 13, 2008

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